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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,789	04/10/2001	Adolf Proidl	PHAT 000025	1889
24737	7590	07/16/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EL CHANTI, HUSSEIN A	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/829,789

Applicant(s)

PROIDL, ADOLF

Examiner

Hussein A El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to application filed on April 10, 2001. Claims 1-6 are pending examination.

#### ***Specification***

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

#### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.  
  
Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

3. The specification does not include headings for the parts of the specification e.g. "summary of the invention, detailed description of the drawings".

4. The disclosure is objected to because of the following informalities:

The disclosure and the claims state "rstp" to stand for (Real Time Stream Protocol). The correct abbreviation is "rtsp". Appropriate correction is required.

#### ***Drawings***

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "DSI1", "DSI3" and "DSI5" have been used to designate data stream information.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "DSI2", "DSI4" and "DSI6" have been used to designate data stream information.
7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "AI2", "AI4" and "AI6" have been used to designate retrieval information.
8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "AI2", "AI4" and "AI6" have been used to designate retrieval information.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Sparks et al., U.S. Patent No. 6,298,385.

As to claim 1, Sparks teaches a data stream adaptation server (1), connected to a computer network (NET), for the adaptation of data stream information (DSI1, DSI3, DSI5), including receiving means (7) for receiving retrieval information (AI1, AI2, AI3) from a retrieval device (2, 3, 4) connected to the computer network (NET) (see col. 2 lines 5-54), and

including source information memory means (8) for the storage of address information (ADI) of data stream information sources (5, 6) which can supply data stream information (DSI1, DSI3, DSI5) corresponding to possible retrieval information (AI1, AI2, AI3), and including data stream retrieval means (11) for retrieving data stream information (DSI1, DSI3, DSI5) corresponding to the retrieval information (AI1, AI2, AI3) from one of the data stream information sources (5, 6) (see col. 2 lines 5-54), and

including supply means (7) for the supply of the data stream information (DSI2, DSI4, DSI6) to the retrieval device (2, 3, 4) via the computer network (NET), characterized in that data stream conversion means (15) are included, which means are adapted to convert the data stream information (DSI1, DSI3, DSI5) retrieved from the data stream information source (5, 6) into data stream information (DSI2, DS4, DS6) adapted to the processing capabilities of the retrieval device (2, 3, 4), the processing



capabilities of the retrieval device (2, 3, 4) being specified by mode information (MI) included or specified in the retrieval information (AI1, AI2, AI3) (see col. 5 lines 1-30).

As to claim 3, Sparks teaches a data stream adaptation server (1) as claimed in claim 1, characterized in that the processing speed of the data stream conversion means (15) enables the retrieved data stream information (DSI1, DSI3, DSI5) to be adapted in real time (see col. 2 lines 5-54).

As to claim 5, Sparks teaches a data stream adaptation server (1) as claimed in claim 1, characterized in that buffer memory means (16) for the storage of the adapted data stream information (DSI2, DS4, DS6) are included (see col. 2 lines 5-54).

As to claim 6, Sparks teaches a retrieval device (2, 3, 4), connected to the computer network (NET), for the retrieval of data stream information (DSI2, DSI4, DSI6),

including retrieval means for the transfer of retrieval information (AI1, AI2, AI3) to a data stream adaptation server (1) connected to a computer network (NET), and

including receiving means for receiving data stream information (DSI2, DSI4, DSI6) corresponding to the retrieval information (AI1, AI2, AI3) from the data stream adaptation server (1), and

including processing means for processing the received data stream information (DSI2, DSI4, DSI6), characterized in that the retrieval means are adapted to supply

mode information specifying the processing capabilities of the retrieval means as part of the retrieval information (AI1, AI2, AI3) (see col. 2 lines 5-54 and col. 5).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10.** Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks in view of Wynblatt et al., U.S. Patent No. 6,546,421 (referred to hereafter as Wynblatt).

As to claim 1, Sparks teaches a data stream adaptation server (1), connected to a computer network (NET), for the adaptation of data stream information (DSI1, DSI3, DSI5), including receiving means (7) for receiving retrieval information (AI1, AI2, AI3) from a retrieval device (2, 3, 4) connected to the computer network (see the rejection of claim 1).

Sparks does not explicitly teach the limitation "the retrieval information (AI1, AI2, AI3) is encoded in accordance with the http protocol (Hyper Text Transfer Protocol), and the data stream conversion means (15) are adapted to derive the mode information (MI) from the http protocol". However Wynblatt teaches a system and method of retrieving multimedia data in multiple formats in accordance with HTTP protocol (see col. 3).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Sparks by implementing HTTP protocol because doing so would allow the user to request and retrieve data over the internet using the most commonly used protocol to communicate over the internet.

As to claim 4, Sparks does not explicitly teach "the data stream conversion means (15) are adapted to encode the data stream information (DSI2, DSI4, DSI6) adapted to the retrieval device (2, 3, 4) in accordance with the rtsp protocol (Real Time Stream Protocol)".

However Wynblatt teaches a system and method of retrieving multimedia data in multiple formats in accordance with rtsp protocol (see col. 3).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Sparks by using rtsp as taught by Wynblatt because doing so would allow the user to start playing from a certain position.

**11.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Multicast And Unicast Internet Protocol Content Distribution Having A Feedback Mechanism For Real-Time And Store And Forward Information Transfer by McNeill et al., U.S. Patent No. 6,421,706.
- Network Management Gateway by Scholl et al., U.S. Patent No. 6,145,001.

**12.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein Elchanti

July 1, 2004



**SALEH NAJJAR  
PRIMARY EXAMINER**